

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated July 26, 2005. Reconsideration and allowance is respectfully requested in view of the remarks made below.

1. *The Double Patenting Rejections*

Claims 1-50 were rejected in the Office Action under the judicially created doctrine of obviousness-type double patenting based on claims 1-28 of U.S. Patent 6,625,299. A Terminal Disclaimer is attached that should be effective in overcoming this rejection. Withdrawal of the rejection is respectfully requested.

2. *The Rule 75(c) Objection*

Claims 46 was objected to because it depended from a nonexistent claim. This has been corrected by amendment. The Examiner is thanked for his vigilance. Withdrawal of the objection is respectfully requested.

3. *Allowable Claims*

Applicant notes with appreciation that claims 8, 10 and 40 were indicated as being directed to allowable subject matter. These claims have been rewritten in independent form and presented as new claims 51-53, respectively.

4. *The Prior Art Rejections*

Claims 1-7, 9, 11-16, 18-22, 25-39 and 41-50 were rejected under 35 U.S.C. § 102(e) based on U.S. Patent 6,064,749 to Hirota et al. (“Hirota”). Claim 17 was rejected under 35 U.S.C. § 103 based on a proposed combination of Hirota and U.S. Patent 5,912,650 to Carollo (“Carollo”). Claims 23-24 were rejected under 35 U.S.C. § 103 based on a proposed combination of Hirota and U.S. Patent 5,227,985 to DeMenthon (“DeMenthon”). These rejections are moot because Hirota is in fact not prior art to Applicant’s invention under Section 102(e).

Attached hereto is a Rule 131 Declaration executed by inventor Walter Donnelly that clearly demonstrates conception of the claimed invention prior to the filing date of the Hirota reference, and diligence thereafter in reducing the invention to practice and filing a patent application. This should remove Hirota as a reference, and place the rejected claims in condition for allowance.

Consideration of the attached Declaration and withdrawal of the applied rejections is thus earnestly and respectfully solicited.

If the Examiner has any questions about the content of the Exhibits that are referred to in the Rule 131 Declaration, the undersigned suggests that a telephonic interview involving Mr. Donnelly would be very helpful. It certainly was for the undersigned.

5. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

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